(c) if so, what is the reaction of Government thereto?

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMA DOSS): (a) to (c) The matter regarding qualified practitioners of Ayurveda, Unani, Siddha and Homoeopathy systems prescribing allopathic medicines has been examined in depth by the Hon'ble Supreme Court of India in Civil Appeal No.89 of 1987 Dr. Mukhtiar Chand and others *versus* State of Punjab and others. Representations have been received from time to time on this matter and accordingly Department of AYUSH entrusted the study of the contemporary acts on medical practice in the light of judgement of Hon'ble Supreme Court in 1987 Dr. Mukhtiar Chand and others *versus* State of Punjab and others and other similar judgements. Drugs can be sold and supplied by a Pharmacist or a Druggist only on a prescription of a Registered Medical Practitioner and who can also store them for treatment of patients.

According to Section 2 (ee) of the Drugs and Cosmetics Rules, 1995, Registered Medical Practitioner means a person–

(i) holding a qualification granted by an authority specified or notified under Section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956); or

(ii) registered or eligible for registration in a medical register of a State meant for the registration of persons practicing the modern scientific system of medicine (excluding the Homoeopathy system of medicine); or

(iii) registered in a medical register (other than a register for the registration of Homoeopathic practitioners) of a State, who although not falling within sub-clause (i) or sub-clause (ii) is declared by a general or special order made by the State Government in this behalf as a person practicing the modern scientific system of medicine for the purposes of this Act.

Hon'ble Supreme Court upheld the validity of Rule 2 (ee) (iii) as well as the notifications issued by various State Governments thereunder allowing Ayurveda, Siddha, Unani and Homoeopathy practitioners to prescribe allopathic medicines.

In view of the above judgement, Ayurveda, Siddha, Unani and Homoeopathy practitioners can prescribe allopathic medicines under Rule 2 (ee) (iii) only in those States where they are authorized to do so by a general or special order made by the concerned State Government in that regard. Practitioners of Indian Medicine holding the degrees in integrated courses can also prescribe allopathic medicines if any State act in the State in which they are practicing recognizes their qualification as sufficient for registration in the State Medical Register.

BPL card holders

*88. SHRI K. CHANDRAN PILLAI: Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether the Planning Commission issued orders stipulating the number of BPL card holders in the States;

(b) if so, the details thereof;

(c) whether such steps would keep large number of deserving sections out of the PDS benefits;

(d) whether Government received representations from States to review the decision; and

(e) if so, the details of the steps taken by Government?

THE MINISTER OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI SHARAD PAWAR): (a) to (e) The Planning Commission is the nodal agency in the Government of India for estimation of poverty in the country. The Commission estimates poverty across all the States by following a uniform methodology and releases the poverty estimates from time to time. When TPDS was introduced in 1997, the poverty estimates released by the Planning Commission for the year 1993-94 were available. According to those estimates, percentage of population below poverty line was 36%. Population estimates made by the Registrar General and Census Commissioner for 1995 were also available at that time. The Government decided to use poverty estimates of the Planning Commission for the year 1993-94 and population estimates of 1995 for working out the number of BPL households in the country for the purpose of making allocations of foodgrains under the TPDS. This number of households was 5.96 crores.

Subsequently, in November, 2000, the Government decided to use the population estimates of 1st March, 2000 instead of 1995 for working out the number of BPL households in the country for the purpose of TPDS allocations. The number of BPL households in the country worked out on this basis is 6.52 crores. The Government has continued to use this number of BPL households for the allocations.

In March, 2007, the Planning Commission has released poverty estimates for 2004-05 which are comparable with the poverty estimates of 1993-04. According to these estimates, in the country as a whole the percentage of population below poverty line was 27.5%.

The Government has received requests from some State Governments for accepting higher number of BPL households for allocation of foodgrains. However, the Government has continued to use the number of BPL households worked out on the basis of poverty estimates of 1993-94 projected on the population estimate of March, 2000.

Vacancies in Railways

*89. SHRI TARINI KANTA ROY: Will the Minister of RAILWAYS be pleased to state:

(a) the number of posts lying vacant in Railways, which are reserved for SC, ST and OBC categories zonal Railways and post-wise; and

(b) the reasons for such vacancies?

THE MINISTER OF RAILWAYS (SHRI LALU PRASAD): (a) The number of shortfall vacancies of Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) as on 31.03.2007 in recruitment and promotion categories of Group 'C' and 'D' on Indian Railways (Zone-wise) are as under: